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 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM	Application Number		10/647,196
	Filing Date		August 21, 2003
	First Named Inventor		Leonard KATZ
	Title	RECOMBINANT CHALCOMYCIN POLYKETIDE SYNTHASE AND MODIFYING GENES	
	Art Unit	1645	
	Examiner Name	Not Yet Assigned	
Attorney Docket No.		300622010000	

I hereby appoint:

☒ Practitioners at Customer Number

OR

☐ Practitioner(s) named below:

Name	Registration Number	Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☐ The address associated with
Customer Number:

OR

☐ Firm or
Individual Name

Address				
City	State	Zip		
Country	Telephone	Fax		

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name	Daniel V. Santig, Chairman and CEO		
Signature			
Date	1-22-04	Telephone	510-732-8400

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.



PATENT
Docket No. 300622010000

DECLARATION FOR UTILITY PATENT APPLICATION

AS BELOW-NAMED INVENTORS, WE HEREBY DECLARE THAT:

Our residences, post office addresses, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: RECOMBINANT CHALCOMYCIN POLYKETIDE SYNTHASE AND MODIFYING GENES, the specification of which is attached hereto unless the following box is checked:

☒ was filed on August 21, 2003 as United States Application Serial No. 10/647,196.

WE HEREBY STATE THAT WE HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
60/405,194	August 21, 2002
60/420,994	October 24, 2002
60/493,966	August 8, 2003

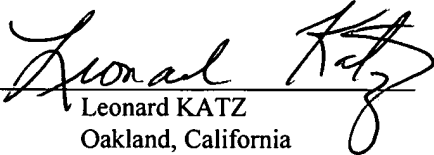
We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose information which is material to

patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.


Application Serial No.	Filing Date	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


1/20/04
Date


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Citizenship: United States of America
Post Office Address: 6389 Longcroft Drive, Oakland, California 94611


1/20/04
Date


Name: Ralph C. REID
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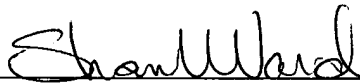
1/22/04
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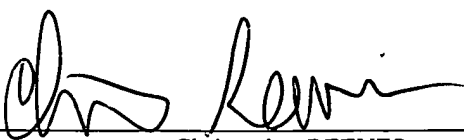
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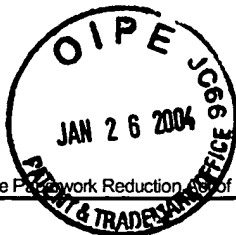

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1/22/04
Date


Name: Shannon L. WARD
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1/22/04
Date


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Citizenship: United States of America
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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Leonard KATZ et al.

Application No./Patent No.: 10/647,196

Filed/Issue Date: August 21, 2003

Entitled: RECOMBINANT CHALCOMYCIN POLYKETIDE SYNTHASE AND MODIFYING GENES

KOSAN Biosciences Incorporated, a

corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or

2. ☐ an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

1-22-04

Date

510-731-8400

Telephone Number

Daniel V. Santhi

Typed or printed name

[Signature]

Signature

Chairman and CEO

Title

ASSIGNMENT
JOINT

COPY

THIS ASSIGNMENT, by Leonard KATZ, Ralph C. REID, Zhihao HU, Andreas SCHIRMER, Shannon L. WARD and Christopher REEVES (hereinafter referred to as the assignors), residing at 6389 Longcroft Drive, Oakland, California 94611; 600 Galerita Way, San Rafael, California 94903; 269 Chenery Street, Castro Valley, California 94546; 25316 Morse Court, Hayward, California 94542; 3470 Andrews Drive, #108, Pleasanton, California 94588 and 4 East Altarinda Drive, Orinda, California 94563, respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in RECOMBINANT CHALCOMYCIN POLYKETIDE SYNTHASE AND MODIFYING GENES, set forth in an application for Letters Patent of the United States, bearing Serial No. 10/647,196 and filed on August 21, 2003; and

WHEREAS, KOSAN Biosciences Incorporated, a corporation duly organized under and pursuant to the laws of Delaware and having its principal place of business at 3832 Bay Center Place, Hayward, California 94545 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

<u>1/20/04</u> Date	<u>Leonard KATZ</u> Leonard KATZ
<u>1/20/04</u> Date	<u>Ralph C. REID</u> Ralph C. REID
<u>1/22/04</u> Date	<u>Zhihao HU</u> Zhihao HU
<u>1-22-04</u> Date	<u>Andreas SCHIRMER</u> Andreas SCHIRMER
<u>1-22-04</u> Date	<u>Shannon L. WARD</u> Shannon L. WARD
<u>1-22-04</u> Date	<u>Christopher REEVES</u> Christopher REEVES